

CITY AND COUNTY OF SAN FRANCISCO



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March 18, 2009

Nicholas W. van Aelstyn, Esq.
Beveridge & Diamond, PC
456 Montgomery Street, Suite 1800
San Francisco, CA 94104

Re: Yosemite Creek Superfund Site

Dear Nico:

This provides a further response to your letter dated February 4, 2009.

Item 1: Structural information about the overflow structures that spill into Yosemite Creek. Enclosed with this letter is a disk containing "as built" drawings for the three Yosemite Creek overflow structures, both as they currently exist and as they previously existed. If you have additional information needs in this regard after you have reviewed the as built, please let me know.

Item 2: Data regarding the frequency of CSO overflows at Yosemite Creek between WWI and the present. As you know from your prior efforts to obtain this data, the City does not have actual data regarding overflow events into Yosemite Creek prior to the system upgrades completed in the late 1980s. We previously advised you in our letter dated September 19, 2008, that based on hydrologic modeling conducted by the City over the decades, it was understood that these overflows occurred on a Citywide basis an average of 82 times per year. Further, we advised you that the City reported to the EPA in 1984 that modeling conducted as of June 1983 showed on average 46 overflows per year into Yosemite Creek as a baseline condition before the system improvements were constructed.

That said, the City has data regarding overflow discharges into Yosemite Creek beginning in 1990. A chart summarizing these overflows from 1990 to the present is enclosed.

Item 3: Data regarding flow rates of overflow discharges. The City does not collect flow rate data during overflow events. While the City may in the past have modeled this issue, any such data is not readily available.

Item 4: Analyses of constituents in overflows from CSOs into Yosemite Creek. I believe the City has data going back to 1994. Our office has asked that whatever data the PUC possesses be compiled into a spreadsheet that I hope to forward to you shortly.

Item 5: Analyses of constituents in the sediment in the sewer lines and overflow storage boxes in the vicinity of Yosemite Creek. The PUC does not routinely collect and analyze samples of this sediment, and there is no regulatory requirement that it do so. That said, the PUC is continuing to research whether it has any such data collected for other purposes.

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Item 6: Information about the "mass balance assessment" mentioned by John Roddy at the January 23 meeting. The PUC is in the early stages of this project and none of the sampling currently taking place is in the Yosemite Creek drainage basin. Hence, no data or reports relevant to Yosemite Creek are presently available.

Please let us know what additional information you require after you have reviewed the enclosed materials and the sampling data that will be provided shortly.

Very truly yours,

DENNIS J. HERRERA
City Attorney

A handwritten signature in black ink, appearing to read "Elaine O'Neil". The signature is fluid and cursive, written over the printed name of the Deputy City Attorney.

ELAINE M. O'NEIL
Deputy City Attorney

cc: Michael Massey, Esq. (w/ encl)
Kathryn Tobias, Esq. (w/encl.)